

In removal proceedings under section 238(b) of the Immigration and Nationality Act

Case No: POS6410000016
File No: A079 673 689

To: Carlyle PHILLIP AKA: W80285, PED: 9/14/2004

Address: C/O NCCI GARDNER P.O. BOX 466 GARDNER MASSACHUSETTS 01440
(Number, Street, City, State and ZIP code)

Telephone: (978) 632-2000
(Area Code and Phone Number)

Pursuant to section 238(b) of the Immigration and Nationality Act (Act), 8 U.S.C. 1228(b), the Immigration and Naturalization Service (Service) has determined that you are amenable to expedited administrative removal proceedings. The determination is based on the following allegations:

COPY

1. You are not a citizen or national of the United States.
2. You are a native of TRINIDAD AND TOBAGO and a citizen of TRINIDAD AND TOBAGO.
3. You entered the United States (at)(near) Unknown place on or about Unknown date.
4. At that time you entered without being admitted or paroled by an ICE officer.
5. You are not lawfully admitted for permanent residence.
6. You were, on May 9th, 2002, convicted in the Hampden Superior Court at Springfield, Massachusetts for the offense of Indecent Assault/Battery Child Under 14 in violation of Chapter 265, Section 13B of the Massachusetts General Laws for which the term of imprisonment imposed was two to three years.

Charge:

You are deportable under section 237(a)(2)(A)(iii) of the Act, 8 U.S.C. 1227(a)(2)(A)(iii) as amended, because you have been convicted of an aggravated felony as defined in section 101(a)(43) of the Act, 8 U.S.C. 1101(a)(43).

*** SEE CONTINUATION SHEET ***

Based upon section 238(b) of the Act, the Service is serving upon you this NOTICE OF INTENT TO ISSUE A FINAL ADMINISTRATIVE REMOVAL ORDER ("Notice of Intent") without a hearing before an Immigration Judge.

Your Rights and Responsibilities:

You may be represented (at no expense to the United States government) by counsel, authorized to practice in this proceeding. If you wish legal advice and cannot afford it, you may contact legal counsel from the list of available free legal services provided to you.

You must respond to the above charges in writing to the Service address provided on the other side of this form within 10 calendar days of service of this notice (or 13 calendar days if service is by mail). The Service must RECEIVE your response within that time period.

In your response you may: request, for good cause, an extension of time; rebut the charges stated above (with supporting evidence); request an opportunity to review the government's evidence; admit deportability; designate the country to which you choose to be removed in the event that a final order of removal is issued (which designation the Service will honor only to the extent permitted under section 241 of the Act, 8 U.S.C. 1231); and/or, if you fear persecution in any specific country or countries on account of race, religion, nationality, membership in a particular social group, or political opinion or, if you fear torture in any specific country or countries, you may request withholding of removal under section 241(b)(3) of the Act or withholding/deferral of removal under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture). A grant of withholding or deferral of removal would prohibit your return to a country or countries where you would be persecuted or tortured, but would not prevent your removal to a safe country.

You may seek judicial review of any final administrative order by filing a petition for review within 30 calendar days after the date such final administrative order is issued, or you may waive such appeal by stating, in writing, your desire not to appeal.

CHERYL BASSETT SUPERVISORY SPECIAL AGENT
(Signature and Title of Issuing Officer)

Boston, Massachusetts
(City and State of Issuance)

10/29/03
(Date and Time)

Certificate of Service

I served this Notice of Intent. I have determined that the person served with this document is the individual named on the other side of this form.

JULIA LEE SPECIAL AGENT
(Signature and Title of Officer)

11/25/03

in person
(Date and Manner of Service)

- ☒ I explained and/or served this Notice of Intent to the alien in the english language.
Name of Interpreter _____
Location/Employer _____

I Acknowledge that I Have Received this Notice of Intent to Issue a Final Administrative Removal Order

Carlyle Phillip
(Signature of Respondent)

11/25/03

1410hrs
(Date and Time)

- ☐ Alien refused to acknowledge receipt of this document.

JULIA LEE SPECIAL AGENT
(Signature and Title of Officer)

(Date and Time)

I Wish to Contest and/or Request Withholding of Removal

- ☒ I contest my deportability because: (Attach any supporting documentation): **I WAS NEVER CONVICTED BY A COURT OF "COMPETENT JURISDICTION", IT WAS FRAUDU- CONCEALED FROM ME. MGL, ch. 263 §9; ch. 260 §12.**
- ☐ I am a citizen or national of the United States.
- ☒ I am a lawful permanent resident of the United States.
- ☒ I was not convicted for the criminal offense described in allegation number 6 above.
- ☐ I am attaching documents in support of my rebuttal and request for further review.
- ☐ I request withholding or deferral of removal to (WITHIN 20 DAYS I WILL SEND THE PAPERS) (Name(s) of Country or Countries):
- ☐ Under section 241(b)(3) of the Act, because I fear persecution on account of my race, religion, nationality, membership in a particular social group, or political opinion in that country or those countries.
- ☐ Under the Convention Against Torture, because I fear torture in that country or those countries.

(Signature of Respondent)

CARLYLEPHILLIP

(Printed Name of Respondent)

DEC. 3, 2003

(Date and Time)

I Do Not Wish to Contest or Request Withholding of Removal

- ☐ I admit the allegations and charge in this Notice of Intent. I admit that I am deportable and acknowledge that I am not eligible for any form of relief from removal. I waive my right to rebut and contest the above charges and my right to file a petition for review of the Final Removal Order. I do not wish to request withholding or deferral of removal. I wish to be removed to _____.
- ☐ I also waive the 14 day period of execution of the Final Removal Order.

(Signature of Respondent)

(Printed Name of Respondent)

(Date and Time)

(Signature of Witness)

(Printed Name of Witness)

(Date and Time)

RETURN THIS FORM TO:
United States Department of Justice
Immigration and Naturalization Service

JFK Station

P.O. Box 6306

Boston MA 02114

ATTENTION: Julia Lee, Special Agent

The Service office at the above address must **RECEIVE** your response within 10 calendar days from the date of service of this notice (or 13 calendar days if service is by mail).

FRAZIER v. GARRISON I.S.D.

Cite as 980 F.2d 1514 (5th Cir. 1993)

Constitutional Claims


Due Process

MASSACHUSETTS

The Fourteenth Amendment forbids government conduct that deprives "any person of life, liberty, or property without due process of law."³⁷ Due process has two major meanings: first, substantive due process may require courts to void certain types of government action that infringe on individual rights and individual freedom of action; second, procedural due process may require government to assure that individuals are afforded certain procedures before they are deprived of life, liberty, or property.

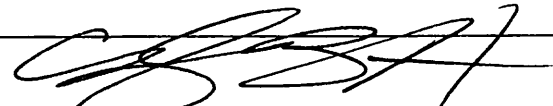
U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-851

Alien's Name PHILLIP, Carlyle W80285 PED: 9/14/2004	File Number A79 673 689	Date 10/29/03
CHARGE: Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act), as amended, in that, at any time after admission, you have been convicted of an aggravated felony as defined in section 101(a)(43)(A) of the Act, to wit: murder, rape or sexual abuse of a minor.		
Signature  CHERYL BASSETT, SSA	Title Issuing Service Officer	

2 of 3 Pages

*U.S. GPO: 1992-342-483/72348

Alien's Name Carlyle Phillip	File Number A079 673 689	Date 10/29/03
<p>Attachment to I-851:</p> <p>You have the right to remain in the United States for 14 days so that you may file a petition for review of this order to the United States Circuit Court of Appeals as provided for in section 242 of the Immigration and Nationality Act. You may waive your right to remain in the United States for this 14-day period. If you do not file a petition for review within this 14-day period, you will still be allowed to file a petition from outside of the United States so long as that petition is received by the appropriate U.S. Court of Appeals within 30 days of the date of your final order of removal.</p>		
Signature  CHERYL BASSETT, SSA		Title